

Boater Education and Child Life Jacket Use

As compiled by the National Recreational Boating Safety Coalition (NRBSC)

Subject: Rec Boating Safety Reqs and Leg Activity as 6-15-16

Here's the current status (as of 6-15-16) of state laws on two issues:

(1) While all states have boating safety education programs available to the public, their mandatory motorboat education requirements are not the same.

*****Almost all states have some sort of mandatory boater education laws for motorboat operators EXCEPT seven (7) states (Alaska, Arizona, Idaho, Maine, South Dakota, Utah, Wyoming) which have virtually none.**

*****Most states (25) require education for ONLY those motorboat operators "born-on or after" a certain date (i.e., 1/1/1980 currently covers only 36 and younger; 1/1/1996 currently covers only 20 and younger; et cetera).**

*****Ten (10) states (Colorado, Indiana, Iowa, Kentucky, Massachusetts, Minnesota, Montana, North Dakota, Oklahoma, South Carolina) have laws that ONLY apply to young motorboat operators (17 and under).**

*****Eight (8) states (California, Connecticut, Hawaii, New Hampshire, New Jersey, Oregon, Virginia, Washington) have laws that apply to all motorboat operators. And Alabama's "born-on or after" law is so old (1954) that it virtually covers all motorboat operators.**

(2) Life jacket use for children 12 and under:

*****All states have child life jacket use laws EXCEPT two (2) states (Virginia and Wisconsin) which have none. However, nine (9) other states (Alabama, Florida, Maine, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota) have age requirements below the recommended standard of 12 and under.**

Here is also the latest information and activity on these issues and some other boating safety issues as reported to the Coalition.

Especially note legislative activity on child life jacket use in Wisconsin and mandatory education in Virginia.

Also legislative activity in Massachusetts, Minnesota, and Washington.

And new mandatory motorboat education laws in California, Hawaii, Illinois, and New York.

The coalition's next meeting will be October 17, 2016

Action Alerts will be issued as significant activity develops.

If you have any additional information or corrections, please email them to Tom O'Day at NRBSCoalition@aol.com and Steve Blackistone at Blackis@ntsb.gov.

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NOTE: If you would like to make additional distribution of this report, a digital copy is attached.

PLUS (+) indicates that the current law meets recommended standards
MINUS (-) indicates either no requirement or room for improvement.

By State:

Alabama (2016 legislature convenes February 2, 2016 and adjourned May 16)

- + Requires education for motorboat operators born-on or after 4/28/1954 -- **62 & younger**
- **Under 8 for child life jacket use.**

H.B. 24 (PFD requirements), by Rep. Joe Faust, in 2013, would have raised the age under which an individual must wear a flotation device from eight to 13. Outlook for passage was good since the sponsor is a member of the majority party which holds both chambers of the legislature and the office of the governor. However, the House Public Safety and Homeland Security Committee did not act on the bill during a February 6 hearing. So, the bill died with adjournment in 2013. **No similar action in 2014 or 2015 or 2016.**

Contact: Col. Walter S. Thompson (BLA), 334-353-2628, steve.thompson@alea.gov;
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

Alaska (convenes January 19 and adjourned April 17)

- **No motorboat operators education requirements.**
- + Under 13 for child life jacket use.

HB 7, introduced on 2/23/15 by Reps. Kito and Gruenberg, would amend "An Act relating to murder in the second degree and manslaughter," by clarifying all kinds of behavior which would fall under this Act including:

A person commits the crime of murder in the second degree if "the person causes the death of another person while operating a motor vehicle, watercraft, or aircraft under circumstances manifesting an extreme indifference to the value of human life." And a person commits the crime of manslaughter if the person "recklessly causes the death of another person while operating a motor vehicle, watercraft, or aircraft."

BLA reports that HB 7 was referred to two committees; Judiciary (where it sits now) and Finance. It was a carry over into the 2016 session. However, no further action in 2016.
RECREATIONAL BOATING SAFETY REQUIREMENTS and LEGISLATIVE ACTIVITY on

Contact: Jeffrey S. Johnson (BLA), 907-269-8705, jeff.johnson@alaska.gov

Arizona (convenes January 11 and adjourned April 23)

- **No motorboat operators education requirements.**
- + 12 and Under for child life jacket use.

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BLA says to remove the "grass roots" reference regarding Linda Gray. She is no longer a senator and the effort died. No hope for action this legislative session as mandatory education would be viewed as a regulatory burden on the public. No government is good government! Even attempts to correct PFD language from types to current CG labeling standard has come under unusual scrutiny.

Contact: Tim Baumgarten (BLA), 623-236-7383, tbaumgarten@azgfd.gov

Arkansas (convenes April 13 and adjourned May 12)

- + Requires education for motorboat operators born-on or after 1/1/1986 -- **30 & younger**
- + 12 and Under for child life jacket use.

Contact: Stephanie Weatherington (BLA), 501-223-6379, stephanie.weatherington@agfc.ar.gov

California (convenes January 4 and adjourns August 31, 2016)

- + Requires education for all motorboat operators by 1/1/25 (effective 1/1/2018).
- + Under 13 for child life jacket use.

On January 1, 2018, all motorized boat operators in California that are 20-years-old or younger will have to apply for a "vessel operator card" to stay legal on the water, a card that will show proof of having passed an approved examination of safe boating practices.

The bill, SB 941, was authored by Sen. Bill Monning, D-Carmel, and Senator Mark DeSaulnier, D-Concord. Gov. Jerry Brown signed it into law Sept. 19, 2014. Its implementation will be staggered. First, the Division of Boating and Waterways must develop the requirements of a vessel operator card in order to adopt regulatory standards by December 31, 2017. Once the card goes into effect in 2018, the law will eventually begin to apply to older boat operators, and by 2025, operators of all ages.

The examination would be available on the Division's website, along with links to internet examinations from other providers approved by the Division. Any examination must contain elements consistent with the National Association of State Boating Law Administrators boating safety course standards.

Contact: Ramona Fernandez (BLA), 916-327-1823; ramona.fernandez@parks.ca.gov
Jerry Desmond, Jr., Director of Government Affairs, RBOC, 916-441-4166
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

Colorado (convenes January 13 and adjourned May 11)

- ***Motorboat education requirement applies only to ages 15 and under.***
- + Under 13 for child life jacket use.

Contact: Colorado: Kris Wahlers (BLA), 303.791.1954, kris.wahlers@state.co.us

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Connecticut (convenes February 3 and adjourned May 4)

- + Requires motorboat education and certificate to be carried by all ages.
- + 12 and under for child life jacket use.
- + All personal watercraft riders must wear a life jacket.
- + Persons in manually propelled vessels (other than rowing shells) are required to wear life jackets during the cold water months of October 1 through May 31.

NMMA reports that Connecticut has enacted a law requiring boat operators to be at least 16 years old if they are towing a skier. This mandate also requires all tow boat operators to take a course in towing safety either separately or as part of the state's mandatory motorboat safety education law.

Contact: Eleanor C. Mariani (BLA), 860-447-4359, eleanor.mariani@ct.gov;
David Dickerson, NMMA, 202-737-9761, ddickerson@nmma.org

Delaware (convenes January 12 and adjourns June 30)

- + Requires education for motorboat operators born-on or after 1/1/1978 -- **38 & younger**.
- + 12 and Under for child life jacket use.

Contact: Robert C. Legates, Sr. (BLA), 302-542-2106, robert.legates@state.de.us

District of Columbia

- + Requires motoboat education for all operators.
- + 12 and Under for child life jacket use.

Contact: Lt. Paul Niepling (BLA), 202-727-4583, paul.niepling@dc.gov

Florida (convenes January 12 and adjourned March 11)

- + Requires motorboat education for operators born-on or after 1/1/1988 -- **28 & younger**
- Under 6 for child life jacket use.

BLA reports that the Governor signed CS/CS/SB 680, which was an FWC agency bill which, in part, modified Florida's laws related to use of life jackets. The changes will ensure that Florida law no longer refers to "types" when referencing life jackets. This will ensure that life jackets produced in the future under the new federal labeling standards, as well as those currently in use and labeled under the former labeling standards, will meet state legal requirements.

NMMA reports the passage of H.B. 427 which will give boat owners who buy either a personal locator beacon or an ERIRB a reduction in their registration fees. The reduction is based on the size of boat. It has been sent to the Governor.

Also, another pre-filed bill (H.B. 863) would have increased the minimum age to operate a PWC from 14 years old to 16. It failed to advance.

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Contact: Major Richard Moore (BLA), 850-617-9544, richard.moore@myfwc.com;
David Dickerson, NMMA, 202-737-9761, ddickerson@nmma.org

Georgia (convenes January 11 and adjourned March 24)

- + Requires motorboat education for operators born-on or after 1/1/1998 -- **18 & younger**
- + Under 13 for child life jacket use.

BLA reports the following quick synopsis of boating safety related legislation that was considered in the Georgia Legislative session:

HB 172 – Would revise the types of vessels that are applicable (remove inflatables) to the operation of watercraft while under the influence of alcohol, toxic vapors or drugs. **PASSED**

HB 356 – Would create a titling requirement for recreational water craft. However, NMMA reports , that it was stripped of all its titling language. **FAILED TO ADVANCE**

HB 872 – Would increase the annual registrations fees associated with recreational vessels. **FAILED TO ADVANCE**

Contact: Lt.Col. Jeff Weaver (BLA), 770-918-6408, jeff.weaver@dnr.state.ga.us;
David Dickerson, NMMA, 202-737-9761, ddickerson@nmma.org

Hawaii (convenes January 20 and adjourned May 5)

- + Requires mandatory boating education for all motorboat operators.
- + Under 13 for child life jacket use.

BLA reported that their mandatory education requirement is not a phase in program and anyone operating a vessel of 10hp or more will have to take a NASBLA approved course.

Starting in November, 2014, all boat operators must complete a boating safety course to operate motorized vessel in Hawaii state waters. Seasoned boaters will be able to take equivalency exams if they feel they already understand the rules of the road. For new boaters, an online course approved by the National Association of State Boating Law Administrators (NASBLA) takes just 3-4 hours of instruction to complete. Boat operators under 16 years old must be accompanied by an adult 21 years or older who holds the required boater safety education certificate; The new rule, as Title 13, Section 13-244-15.5, HAR, Operation of Power Driven Vessels, gives the Department of Boating and Ocean Resources (DOBOR) two years to develop and prepare NASBLA-and-state-approved boating safety courses before it takes effect.

Contact: Ed Underwood (BLA), 808-587-1966, ed.r.underwood@hawaii.gov

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Idaho (convenes January 11 and adjourned March 25)

- No motorboat education requirements except for rentals of personal watercraft, boaters convicted of operating under the influence of drugs or alcohol, and boaters who are repeat offenders of boating law or rule.

+ 14 and Under for child life

Contact: Dave Dahms (BLA), 208-514-2412, david.dahms@idpr.idaho.gov

Illinois (convenes January 13 and adjourned May 31)

+ Requires education for motorboat operators born-on or after 1/1/91 -- **25 & younger**

+ 12 and Under for child life jacket use.

Governor has signed SB 3433, mandatory boating education, into law. It became effective 1/1/2016.

It amends the Boat Registration and Safety Act. Provides that beginning January 1, 2016 no person born on or after January 1, 1991 shall operate a motorboat with over 10 horse power without a Boating Safety Certificate.

Beginning January 1, 2016, requires persons between 10 and 12 operating a motorboat with over 10 horse power to be under the direct on-board supervision of a parent, guardian, or designee over 18 that possesses a Boating Safety Certificate. Beginning January 1, 2016, requires persons between 12 and 18 operating a motorboat with over 10 horse power to have a Boating Safety Certificate or be under the supervision of a parent, guardian, or designee over 18 with a Boating Safety Certificate. Beginning January 1, 2016, provides that the owner of a motorboat with over 10 horse power shall not allow it to be operated by anyone without a Boating Safety Certificate.

Provides that a person operating a motorboat with over 10 horse power must provide their Boating Safety Certificate to law enforcement upon request. Provides that boat liveries may offer an abbreviated safety course that allows persons renting motorboats from the livery to operate those rentals without a Boating Safety Certificate. Provides that providing false information in an application for a Boating Safety Certificate or displaying a false certificate is a Class A misdemeanor. Provides exceptions to the certificate requirement.

Contacts: Sgt. Chris Stone (BLA), 217-782-5828, Christian.stone@illinois.gov, and Don Koster, Chicago Yachting Association and Chair, Illinois Boating Safety Education Coalition, 708-921-1363, koster43@sbcglobal.net and Fred Poppe, Secretary, Illinois Boating Safety Education Coalition, poppe.dfx@sbcglobal.net and Capt. William Russell, International Shipmasters Lodge 3, ismashipcaptain.@aol.com

Indiana (convenes January 4 and adjourned March 10)

- Motorboat education requirement applies only to age 15 and under.

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+ 12 and Under for child life jacket use on state/federal waters

Indiana's Boating Law Administrator had proposed to update Indiana's life jacket requirements for children to apply to all state waters. Currently Indiana's legislation applies only to state/federal waters.

S.B. 434, by Senator Allen Paul, would have done this. It was reported favorably from committee on 1-28-13 and then withdrawn on 2-7-13. There was no further consideration.

Contact: Lt. Keaton Turner (BLA), 317-232-0935, KTurner@dnr.IN.gov

Iowa (convenes January 11 and adjourned April 19)

- ***Motorboat education requirement applies only to age 17 and under.***

+ 12 and Under for child life jacket use.

Contact: Susan Stocker (BLA), 515-725-8477, susan.stocker@dnr.iowa.gov

Kansas (convenes January 11 and adjourned April 27)

+ Requires education for motorboat operators born-on or after 1/1/1989 -- **27 & younger**

+ 12 and Under for child life jacket use.

H.B 2117, boater education/safety/licensing, Sponsor: KS House Agriculture and Natural Resources Committee. States that on and after January 1, 2016, no person born on or after January 1, 1995, shall operate on public waters of this state any motorboat or sailboat unless the person possesses a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person. Introduced; referred to House Committee on Agriculture and Natural Resources 1/23/2015. Hearing held 2/17/2015. Carried over to 2016 session 6/26/2015. FAILED TO ADVANCE.

Contact: Major Dan Heskett (BLA), 620-672-0758, dan.heskett@ksoutdoors.com

David Dickerson, NMMA, 202-737-9761, ddickerson@nmma.org

Kentucky (convenes January 5 and adjourned April 12)

- ***Motorboat education requirement applies only to operators age 17 and under.***

+ Under 12 for child life jacket use.

Comprehensive boater education legislation passed the House (70-27) in 2008 but there has been no further action since that time.

Contact: Shane Carrier (BLA), 502-564-3400, joseph.carrier@ky.gov

Louisiana (convenes March 14 and adjourned June 6)

+ Requires education for motorboat operators born-on or after 1/1/1984 -- **32 & younger**

+ 16 and Under for child life jacket use.

Contact: Lt. Col. Samuel Martin (BLA), 225-765-2536, smartin@wlf.la.gov

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Maine (convenes January 6 and adjourned April 20)

- ***No motorboat education requirements except for personal watercraft.***
- ***10 and Under for child life jacket use.***

A previous proposal, L.D. 203, Rep. Richard Malaby (R), would require a person to wear a Coast Guard approved Type III personal flotation device while kayaking on open salt water on the internal waters of the state. After public hearing on 4-4-13, committee of referral did not act on this measure.

The Maine Joint Standing Committee on Inland Fisheries and Wildlife heard testimony in 2009 on LD 1204, a mandatory education bill, introduced by Representative Thom Watson. There was no opposition to the bill. However, a few Senators and Representatives had some concerns. As a result of those concerns, the Senate passed a resolution requiring Maine's Department of Inland Fisheries and Wildlife to provide a plan to implement the bill while addressing problems in rural areas. Currently, a draft of the plan has been completed and is under final review. Basically, the plan closely parallels the original bill.

Currently, the boater education issue seems to be in a deep freeze.

Contacts: Col. Joel Wilkinson (BLA-Inland), 207-287-2766, joel.wilkinson@maine.gov, and Jonathan Cornish (BLA-Coastal), 207-624-6555, Jon.cornish@maine.gov, and Ralph Pears, 207-468-1165; rbpears@gwi.net

Maryland (convenes January 13 and adjourned April 11)

- + Requires education for motorboat operators born-on or after 7/1/1972 -- **44 & younger**
- + Under 13 for child life jacket use.

Contact: Charles F. Santerre (BLA), 410-260-8883, c.santerre@md.gov

Massachusetts (convenes January 6 and adjourns July 31)

- ***Motorboat education requirement applies to operators age 15 and younger.***
- + Under 12 for child life jacket use.

BLA reports that H.627 is the current copy of An Act related to boating safety known as the Dave Hanson Act relating to mandatory boating education. Previously it was H.3855. Submitted by a group of Massachusetts Harbormasters. It was an amended version of H.664. It was reported favorably by the committee on Environment, Natural Resources and Agriculture and then referred to the committee on House Ways and Means which took no action on it.

BLA also noted the following bills:

Bill H.2180 (Straus, Mattapoisett)– An Act relative to Kayak Safety – last hearing occurred on 5/13/2015, Referred to Joint Committee on Public Safety and Homeland Security,

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the addition of the definitions of canoe and kayak to Section 1 of MGL 90B- the insertion of “including canoes and kayaks” following the word vessel in the first sentence of MGL 90b, section 5A- the insertion of the following in MGL 90b, Section 13A: § Section 13B. Whoever holds himself out as a kayak instructor for hire shall obtain and maintain: (i) first aid training approved by the department of public health; (ii) cardiopulmonary resuscitation training approved by the department of public health; and (iii) a kayak instructor certification from the American Canoe Association, small craft safety certification from the American Red Cross and basic water rescue or equivalent water training. The instructor shall train students on the safety procedures appropriate to the level of paddling difficulty. Wet exit training shall be required of all beginners and novice level operators who use an attached spray skirt during any part of the kayak instructional session. For the purposes of this section, “wet exit training” shall mean the practice of escaping from a capsized kayak in a controlled water setting. A liability release that limits an instructor’s responsibility to comply with this section shall be void.

Bill H.1662 (Whelan, Barnstable/Brewster) – An Act to amend Chapter 90B, Section 8 – last hearing occurred on 11/18/2015, Referred to Joint Committee on the Judiciary, to Amend MGL 90b § 8 to read: Notwithstanding any law or special law to the contrary, for the purposes of determining sentencing and other requirements for multiple convictions of operating a vessel while under the influence of alcohol or drugs, any prior conviction of operating a motor vehicle within the commonwealth while under the influence.

Contact: Capt. Merri A. Walker (BLA), 508-366-6420, merri.walker@state.ma.us

Michigan (convenes January 13 and adjourns December 31)

+ Requires education for motorboat operators born-on or after 6/1/1996 -- **20 & younger**
- ***Under 6 for child life jacket use.***

Contact: F/Lt. Tom Wanless (BLA), 517-284-6026, wanlesst@michigan.gov
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

Minnesota (convenes March 8 and adjourned May 23)

- ***Motorboat education requirement applies only to operators age 17 and younger.***
- ***Under 10 for child life jacket use.***

BLA reports the following law and rule changes:

1. New carbon monoxide law. Requires CO detectors on motorboats with specified cabin spaces, requires warning labels on others with enclosed occupancy spaces. Requires information and stickers be mailed to owners of boats over 19'. Passed on 6/1/ 2016. Goes into effect 5/1/2017. Legislation coordinated with NMMA and ABYC.

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2. New title transfer on death law. In effect summer 2016

3. Life jacket rules were revised to reflect USCG terminology changes. In effect 6/13/2016. A 2015 law initiated this rule change.

4. Emergency water surface rules may be enacted by the local unit of government for up to 30 days instead of five days. In effect 6/13/2016. A 2015 law initiated this rule change.

Contact: Stan Linnell (BLA), 651-259-5626, stan.linnell@state.mn.us

Mississippi (convenes January 5 and adjourned April 24)

+ Requires education for motorboat operators born-on or after 6/30/1980 -- **36 & younger**
+ 12 and Under for child life jacket use.

BLA reports that HB1147 introduced by Chairman Bounds....would allow for an increase in Boat Registration fees was still active in House ,Wildlife, Fisheries Committee and scheduled to go to full House vote late February but died in committee

Contact: Capt. Calvin Fulton (BLA), 601-432-2178, calvinf@mdwfp.state.ms.us

Missouri (convenes January 6 and adjourned May 13)

+ Requires education for motorboat operators born-on or after 1/01/1984 -- **32 & younger**
- **Under 7 for child life jacket use.**

Contact: Cpt. Mark E. Richerson (BLA), 573-751-5071, Mark.Richerson@mshp.dps.mo.gov

Montana (does not meet in 2016)

- **Motorboat education requirement applies only to operators age 14 and younger.**
+ Under 12 for child life jacket use.

Contact: Ron Jendro (BLA), 406-444-0136; rjendro@mt.gov

Nebraska (convenes January 6 and adjourned March 20)

+ Requires education for motorboat operators born-on or after 12/31/1985 - **30 & younger**
+ Under 13 for child life jacket use.

Contact: Herb Angell (BLA), 402-471-5579, herb.angell@nebraska.gov

Nevada (does not meet in 2016)

+ Requires education for motorboat operators born-on or after 1/1/1983 - **33 & younger**
+ Under 13 for child life jacket use.

Contact: David Pfiffner (BLA), 702-486-5127 x3401, pfiffner@ndow.org

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New Hampshire (convenes January 6 and adjourns June 30)

- + Requires motorboat education for all ages.
- + 12 and Under for child life jacket use.

Contact: Timothy C. Dunleavy (BLA), 603-293-2037, timothy.dunleavy@dos.nh.gov

New Jersey (convenes January 12 and adjourns January 10, 2017)

- + Requires motorboat education for all operators.
- + 12 and Under for child life jacket use.

BLA calls attention to Senate Bill S504, enhanced penalty for leaving the scene of a boating accident, which was merged into S846 and then passed into public law.

Under current law, the operator of a vessel is required to provide assistance to people affected by an accident so long as that operator is able to do so without endangering passengers. This bill makes it a second degree crime if a vessel operator knowingly leaves the scene of an accident that results in the death of another person, and a crime of the third degree if the accident results in serious bodily harm.

The bill is modeled after current law, which makes it a second degree crime to leave the scene of a motor vehicle accident that results in the death of a passenger, and a third degree crime when the accident results in serious bodily injury. A second degree crime is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. Current law defines "serious bodily injury" as bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The bill specifies that its provisions do not preclude an indictment and conviction for aggravated manslaughter or vehicular homicide. The bill further specifies that its provisions shall not merge with a conviction for aggravated manslaughter or vehicular homicide. Convictions for multiple offenses arising under this bill are to run consecutively.

In addition, the bill states that it is not a defense that the vessel operator lacked knowledge of the death or injury, or knowledge of the violation under the bill.

Finally, the bill amends current law to enhance the penalties for failure of an operator to assist persons affected by an accident. Under the bill the penalties are a fine of not less than \$200 or more than \$400, imprisonment for a period of not more than 30 days, or both, for the first offense. For subsequent offense, the bill imposes a fine of not less than \$400 or more than \$600, imprisonment for a period of not less than 30 days or more than 90 days, or both.

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Contact: Lt. Kenneth Ryan (BLA), 609-882-2000x6168, lpp5643@gw.njsp.org

New Mexico (convenes January 19 and adjourned February 18)

- + Requires education for motorboat operators born-on or after 1/1/1989 -- **27 & younger**
- + 12 and Under for child life jacket use.

Contact: Barry Lucero (BLA), 505-476-3369, Barry.Lucero@state.nm.us

New York (convenes January 6 and adjourned June 16)

- + Requires motorboat education for boaters born-on or after 5/1/1996 -- **20 & younger**
- + Under 12 for child life jacket use.

BLA reports as of 5/1/14 anyone born on or after 5/1/96 will now be required to complete a boating safety course in order to legally operate a motorized boat within the state. Also new this year, individuals completing a state boating safety course, including those taught by the auxiliary or power squadrons may have that credential noted on their state driver's license or non-driver ID card <http://nysparks.com/lifetime/>.

Contact: Larry Migliozi(BLA), 518-474-0445; larry.migliozi@parks.ny.gov;
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

North Carolina (convenes May 11 and adjourns June 30)

- + Requires education for motorboat operators born-on or after 1/1/1988 -- **28 & younger**
- + Under 13 for child life jacket use.

Contact: Maj. Chris Huebner (BLA), 919-707-0030, chris.huebner@ncwildlife.org;
Pete Deschenes, Chair, N. C. Coalition, 252-586-3144, stugaville@embarqmail.com

North Dakota (does not meet in 2016)

- *Motorboat education requirement applies only to operators age 15 and younger.*
- *10 and Under for child life jacket use.*

Contact: Brian Schaffer(BLA), 701-328-6312, bschaffer@nd.gov

Ohio (convenes January 4 and adjourns December 16)

- + Requires education for motorboat operators born-on or after 1/1/1982 -- **34 & younger**
- **Under 10 for child life jacket use.**

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Contact: Mike Miller (BLA), 614-265-6474, mike.miller@dnr.state.oh.us;
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org;

Oklahoma (convenes February 1 and adjourns May 27)

- ***Motorboat education requirement applies only to ages 15 and younger.***
- + 12 and Under for child life jacket use.

Contact: Lt. Mark Brown (BLA), 405-522-1877, mbrown@dps.state.ok.us

Oregon (convenes February 1 and adjourned March 3)

- + Requires motorboat education for all ages
- + 12 and Under for child life jacket use

Contact: Randolph. H. Henry (BLA, 503-378-2612, randy.h.henry@state.or.us

Pennsylvania (convenes January 5 and adjourns November 30)

- + Requires education for motorboat operators born-on or after 1/1/1982 -- **34 & younger**
- + 12 and Under for child life jacket use.

Contact: Corey Britcher (BLA), 717-705-7861, cbritcher@pa.gov

Rhode Island (convenes January 5 and adjourns June 30)

- + Requires education for motorboat operators born-on or after 1/1/1986 -- **30 & younger**
- + Under 13 for child life jacket use.

Contact: Frank Floor (BLA), 401-222-2284, frank.floor@dem.ri.gov

South Carolina (convenes January 12 and adjourns June 3)

- ***Motorboat education requirement applies only to operators age 16 and younger.***
- + Under 12 for child life jacket use.

Contact: Col. Alvin Taylor, (BLA), 803-734-4007, taylor@dnr.sc.gov

South Dakota (convenes January 12 and adjourns March 29)

- ***No motorboat education requirements.***
- ***Under 7 for child life jacket use.***

Contact: Brandon Gust (BLA), 605-256-5727, brandon.gust@state.sd.us

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Tennessee (convenes January 12 and adjourns April 20)

- + Requires education for motorboat operators born-on or after 1/1/1989 -- **27 & younger**
- + 12 and Under for child life jacket use.

Contact: Darren Rider (BLA), 615-781-6669, darren.rider@tn.gov

Texas (does meet in 2016)

- + Requires education for motorboat operators born-on or after 9/1/1993 -- **22 & younger**
- + Under 13 for child life jacket use.

Contact: Cody Jones (BLA), 512.389.4624, cody.jones@tpwd.texas.gov

Utah (convenes January 25 and adjourned March 10)

- ***No motorboat education requirements except for personal watercraft.***

- + 12 and Under for child life jacket use.

In 2008, the House defeated a bill requiring operators of boats with engines in excess of 50 hp to be licensed and complete a mandatory boating safety education course. Utah AAA and other insurers led a mandatory boater education coalition. Since then, there has been no repeat effort.

Contact: Ty J. Hunter (BLA), 801-440-5106, tyhunter@utah.gov
Rolayne Fairclough, AAA UTAH, 801-238-1265; Rolayne_Fiarclough@csaa.com

Vermont (convenes January 5 and adjourns May 12)

- + Requires education for motorboat operators born-on or after 1/1/1974 -- **42 & younger**
- + Under 12 for child life jacket use.

Contact: Sgt. J.R. Underhill (BLA), 802-878-7111 x2207, john.underhill@state.vt.us

Virginia (convenes January 13 and adjourned March 12)

- + Requires motorboat education for all ages by 7/1/2016

+ ***No requirement for child life jacket use.***

(However, a federal requirement calls for "under 13 for child life jacket use" on federal and state/federal waters where there is no state requirement.)

In previous years, there have been proposals to change Virginia's excellent boater education program. All were defeated. Similar proposals were expected in 2016 session but they were not introduced. So, the Virginia motorboat education for all ages will go into full effect on July 1, 2016.

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Also, HB 160 (Delegate Richard Bell) to establish a minimum age of 14 for any person to operate a boat with a motor of 10 hp or greater has been set aside (tabled) after a hearing. It was not supported by the Virginia coalition.

As for child life jacket use requirements, companion bills (Senate Bill 93 and House Bill 168) were introduced in 2010 to require life jacket wear for children ages 12 and younger in the Commonwealth of Virginia. SB 93 was voted out of the full Senate by a 30-10 vote. HB 168 was voted out of the House Committee on Agriculture, Chesapeake and Natural Resources on by a 19-3 vote. However, upon receipt on the House floor, the bill was referred to the Committee on Militia, Police and Public Safety where it was effectively tabled for the 2010 session. After this narrow defeat, the Virginia Safe Boating Alliance has not pushed for action on a child life jacket law.

Future action on PFDs is uncertain.

Contact: Thomas E. Guess (BLA), 804-921-9147, tom.guess@dgif.virginia.gov;
Bruce Dungan (chair, VSBA), 11dunganb@jetbroadband.com

Washington (convenes January 11 and adjourned March 10)

- + Requires motorboat education for all ages.
- + 12 and Under for child life jacket use.

BLA provides this update from the 2016 session:

HB 1409: Requires the department of licensing to: (1) Furnish lists of registered and legal owners of vessels only for certain purposes to the manufacturers of vessels, or their authorized agents; and (2) Disclose vessel records for any vessel owned by a governmental entity upon request. Requires requests from law enforcement officers for vessel record information to be granted. **PASSED**

HB 2456 - Addresses sales and use taxes on vessels. Expires August 1, 2021. Essentially caps the sales and excise tax on vessels owned by entities other than individuals at \$19K. It's an attempt to entice more vessels to moor in Washington that are otherwise mooring in Canada or other states. **FAILED TO PASS**

SB 6120-S – Exempts from vessel registration requirements vessels with propulsion machinery that draws two hundred fifty watts or less and propels the vessel no faster than ten miles per hour. Note that Washington already exempts vessels from registration that have less than 10 HP when used in sole state waters. **PASSED**

SB 6363 intended to improve public access at bridge right-of-ways by requiring the state to include a formal evaluation of opportunities for water access within the public right-of-way on future bridge projects. The Bill was introduced in the fall of 2014 following a recommendation from the Governor's Blue Ribbon Task Force to

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address access to recreational opportunities. Based on a similar provision in the California State Highway Code, the bill passed the full Senate on March 5, 2015 but failed to pass in 2015. PASSED

Looking ahead....

...to the 2017 session, we are intending to advance several agency request bills, possibly as an omnibus. Note that not all of the following will likely make the final cut. We are going through stakeholder outreach and gathering feedback at the moment:

- Issue 1: Vessel impound authority: Currently there is no state law that gives express authority to commissioned officers to impound a vessel. It has been suggested by some that this authority would be useful in certain scenarios involving the enforcement of RCW 79A.670.040 – boating under the influence. I.e. situations where the vessel operator is intoxicated and there is no other person aboard the vessel that is qualified to operate the vessel. The authority envisioned would be discretionary not mandatory.
- Issue 2- Part A: Increased Spending Flexibility for Mandatory Boater Education Card Revenue / Part B: Clarify Authority To generate and spend revenue generated with state dollars: The \$10 fee for Boater Education Card program generates annual revenue that may be spent on promoting the program or for grants to local law enforcement agencies. State Parks would like additional flexibility in spending those funds for a broader range of boating safety programs including support for the Marine Law Enforcement training program. The increased flexibility will provide a funding source to cover costs considered ineligible under the USCG Grant that funds the RBS Program. Also, any revenue generated using these funds can be used to help fund the MLE training program.
- Issue 3: Redirecting Fees Generated from Certain Vessel Registration and Titling Transactions: During the 2015 legislative session, Senate Bill 5416 added a \$5 fee to vessel registration and titling transactions when they occur at a county office. The bill directed the revenue to the Capital Vessel Account (state ferry construction). What is being proposed is redirecting those fees so they are distributed to approved marine law enforcement programs in the same manner as vessel registration fees. This could increase state revenue to approved programs by up to \$300,000 per year. The agencies that rely on vessel registration fees to fund their marine programs have not seen an increase since 1994. Also, there is a strong nexus between registration fees and the agencies that enforce registration requirements. Directing some of these fees to the State Parks RBS program will also help it fund RBS related efforts such as the marine law enforcement training program. Currently State Parks does not retain any of the vessel registration fees that it administers.
- Issue 4: Exempting Flare Guns from certain requirements of Initiative 594: Some have interpreted Initiative 594 as imposing certain restrictions on the transfer and sale of flare guns; we believe the authors of the initiative did not intend that result. Because of this interpretation, some retailers (most notably West Marine) have stopped selling flare guns. Visual distress signals, of which flare guns are an example, are required of boaters on the open ocean and within the Puget Sound. What is being proposed is an amendment to RCW 9.41.113 to make it clear that flare guns are exempt from the transfer requirements of I-594 so that we remove impediments around the sale and use of flare guns for boating safety.

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- Issue 5: Eliminate "Transition" statutes toward the Mandatory Boater Education Program: The statutes that created mandatory boater education in Washington included language that described how the program would be phased in over time. Now that that phase-in is complete, that language can be removed. A contradiction between the phase in schedule in section 630 and exemptions in section 640 will also be eliminated.
- Regarding paddlesports, we are still meeting with our work group which has not yet reached conclusions on what legislation if any that it will recommend that our agency pursue.

Contact: Wade Alonzo (BLA), 360-902-8836, wade.alonza@parks.wa.gov

West Virginia (convenes January 13 and adjourned March 12)

- + Requires motorboat education for operators born-on or after 12/31/1986 - **29 & younger**
- + 12 and Under for child life jacket use.

Contact: Lt.Col. Dave Trader (BLA), 304-558-2784, david.trader@wv.gov

Wisconsin (convenes January 12 and adjourned March 15)

- + Requires education for motorboat operators born-on or after 1/1/1989 -- **27 & younger**
 - **No requirement for child life jacket use.**
- (However, a federal requirement calls for "under 13 for child life jacket use" on federal and state/federal waters where there is no state requirement.)***

Child life jacket use requirement:

A.B. 699, Rep. Alvin Ott (R) and S.B. 597, Senator Jerry Petrowski, R), companion bills would prohibit the operator of a recreational vessel from carrying a passenger who is under the age of 13 unless, during all times when the vessel is underway, the passenger is wearing a properly fitting personal flotation device approved by the U.S. Coast Guard or the passenger remains below deck or in an enclosed cabin.

Hearings were held on both bills. Both sponsors are members of the majority party. The Republican Party controls both chambers of the Legislature and the Governor's Office. These measure received bi-partisan co-sponsorship support. Several members of NRBSC -- Safe Kids Wisconsin, NMMA and NTSB -- testified in favor of these proposals

BLA reports that both versions of the bill received public hearings and bi-partisan votes in favor of recommending passage by their respective houses.

However, since there was no further action before adjournment, the entire process must start over again in 2017.

Contact: Roy Zellmer (BLA), 608-212-5385, roy.zellmer@wisconsin.gov
David Dickerson, NMMA, 202-737-9761, ddickerson@nmma.org

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Wyoming (convenes February 8 and adjourned March 4)

- ***No motorboat education requirements.***

+ 12 and Under for child life jacket use.

Contact: Aaron Kerr (BLA), 307-233-6413, aaron.kerr@wyo.gov

Official positions of the U.S. Coast Guard are available on USCG Auxiliary's website at www.legislative.auxnaco.org

Information on state and federal legislation is available on BoatUS's website at www.boatus.com/gov/